

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DUKE BOLTER, No. C 09-04587 CW (PR)

Plaintiff,

NO. C 05 04587 CW (FR)

ORDER DIRECTING CLERK OF COURT  
TO TERMINATE ACTION

V.

WARDEN FRANCISCO JACQUES, et al.,

## Defendants.

10 || \_\_\_\_\_

Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on April 4, 2011, this action is terminated.

13     See Fed. R. Civ. P. 41(a)(1)(A)(i) ("[A]n action may be dismissed  
14 by the plaintiff without order of the court . . . by filing a  
15 notice of dismissal."); Hamilton v. Shearson-Lehman Am. Exp. Inc.,  
16 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule 41(a)(1)(A)(i) does  
17 not require leave of court to dismiss the action). The dismissal  
18 is without prejudice. See Fed. R. Civ. P. 41(a)(1)(B) (unless  
19 plaintiff's notice of dismissal states otherwise, it is deemed to  
20 be "without prejudice"); Humphreys v. United States, 272 F.2d 411,  
21 412 (9th Cir. 1959).

22 The Clerk of the Court shall close the file. All pending  
23 motions are terminated.

24 || IT IS SO ORDERED.

25 || Dated: 4/12/2011

Claudia Wilken

CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DUKE BOLTER,

Plaintiff,

Case Number: CV09-04587 CW

V.

FRANCISCO JACQUES et al,

Defendant.

## **CERTIFICATE OF SERVICE**

7 FRANCISCO JACQUES et al,  
8 Defendant.  
\_\_\_\_\_  
/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on April 12, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
receptacle located in the Clerk's office.

15 Duke Bolter E-13662  
Pelican Bay State Prison  
16 P.O. Box 7500  
D-2 #108  
17 Crescent City, CA 95532

18 | Dated: April 12, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk